

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE TRICOR DIRECT PURCHASER ANTITRUST LITIGATION	)	C.A. No. 05-340 (KAJ)
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	)	
THIS DOCUMENT RELATES TO:	)	(consolidated)
	)	
ALL ACTIONS	)	
	)	
	)	
IN RE TRICOR INDIRECT PURCHASER ANTITRUST LITIGATION	)	C.A. No. 05-360 (KAJ)
	)	
	)	
THIS DOCUMENT RELATES TO:	)	(consolidated)
	)	
ALL ACTIONS	)	
	)	
	)	

**JOINT STATUS REPORT**

Pursuant to this Court’s Scheduling Order dated October 27, 2005 (the “Scheduling Order”), Coordinated Direct Purchaser Plaintiffs, Indirect Purchaser Class Plaintiffs, and Indirect Purchaser Plaintiff Pacificare Health Systems, Inc. (“Pacificare”), (collectively “Plaintiffs”), and Defendants Abbott Laboratories (“Abbott”), Fournier Industrie et Sante, and Laboratories Fournier (“Fournier”) (collectively, “Defendants”), by and through their counsel, hereby submit this Joint Status Report.

**A. Discovery**

At this time, all parties have actively begun discovery. On March 2, 2006, the Court entered a Protective Order Governing Confidential Information. All parties served requests

for production of documents and/or interrogatories, the majority of which have been completed. The status of ongoing discovery is detailed below:

1. Coordinated Direct Purchaser Plaintiffs and Coordinated Indirect Purchaser Plaintiffs served responses and objections to Defendants' document requests and have produced documents pursuant to Defendants' requests. Pacificare recently became aware that it has additional documents responsive to Defendants' requests which relate to reimbursements Pacificare made for Tricor. On July 19, 2006, Pacificare notified Defendants of these additional documents, which are in the process of being produced. The remaining plaintiffs have purportedly produced all of their documents responsive to the document requests.

2. Defendant Abbott served responses and objections to Coordinated Direct Purchaser Plaintiffs and Coordinated Indirect Purchaser Plaintiffs' document requests and has purportedly produced all documents responsive to those requests. Defendant Fournier served responses and objections to Coordinated Direct Purchaser Plaintiffs and Coordinated Indirect Purchaser Plaintiffs' document requests and has purportedly produced all documents responsive to those requests.

3. On May 26, 2006, Defendants served their First Set of Requests for the Production of Documents and Things on Plaintiff American Sales Company. Plaintiff American Sales Company responded to Defendants' requests and has produced documents pursuant to Defendants' requests.

4. On June 27, 2006, Defendants served their Second Set of Requests for the Production of Documents and Things on Plaintiff Walgreens and Plaintiff CVS. Plaintiff Walgreens and Plaintiff CVS responded to Defendants' second requests on July 27, 2006.

5. On July 26, 2006, Coordinated Direct Purchaser Plaintiffs served their Second Set of Interrogatories and Second Set of Document Requests on Defendant Abbott and on Defendant Fournier. Responses to these requests are not yet due.

6. Deposition discovery has begun, including the depositions of representatives/employees of the Coordinated Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs, and Defendants.

7. The Defendants previously agreed, and the Court so ordered, that Defendants are to produce their respective class certification experts on dates and at times mutually convenient to the parties, but in any event, during the period between September 6, 2006 and September 14, 2006, inclusive.

#### **B. Motion Practice**

1. The Court denied Defendants' Motions to Dismiss on May 26, 2006.

2. Indirect Purchaser Plaintiffs and Direct Purchaser Plaintiffs filed their Motions for Class Certification and Opening Briefs in Support Thereof on May 8, 2006.<sup>1</sup> Pursuant to the Scheduling Order, as amended on June 27, 2006, Defendants have until August 16, 2006 to file responding papers, and Plaintiffs have until October 4, 2006 to file reply papers.

#### **C. Pleadings**

1. On July 6, 2006, Defendant Fournier and Defendant Abbott served Answers to Direct Purchaser Class Plaintiffs' First Amended and Consolidated Class Action Complaint.

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<sup>1</sup> Indirect Purchaser Plaintiffs simultaneously filed a motion for appointment of class counsel.

2. On July 21, 2006, Defendant Fournier and Defendant Abbott served Answers to: Plaintiff CVS and Rite Aid's Amended Complaint; Plaintiff Walgreens' Amended Complaint; Pacificare's Amended Complaint; End Payor Plaintiffs' Consolidated Class Action Complaint, and American Sales Company's Complaint.

3. On July 31, 2006, Defendant Fournier served an amended answer to Pacificare's Amended Complaint.

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